

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
COLUMBUS DIVISION

COLUMBUS BANK AND TRUST	:	
COMPANY, A DIVISION OF SYNOVUS	:	
BANK,	:	
	:	
Petitioner,	:	
	:	
v.	:	Case No. <u>4-11-cv-184</u>
	:	
LAW OFFICE OF MICHAEL A. EDDINGS,	:	
P.C., FIRST AMERICAN TITLE INSURANCE	:	
COMPANY, FIRST AMERICAN TITLE	:	
COMPANY, JEROME ROGERS, LACHONE	:	
TRICE, IKE A. NWAOBI, UNITED STATES	:	
OF AMERICA, FOR US CORPS OF	:	
ENGINEERS, FEDERAL NATIONAL	:	
MORTGAGE ASSOCIATION, TRC GLOBAL	:	
SOULTIONS, INC., ELIZABETH WALLER,	:	
ET AL.,	:	
	:	
Respondents.	:	

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**NOTICE OF REMOVAL**

TO: The Honorable Judges of the United States District Court for the Middle District of Georgia, Columbus Division

COMES NOW, respondent United States Army Corps of Engineers, an agency of the United States of America, by and through the United States Attorney for the Middle District of Georgia and respectfully represents:

1.

That an agency of the United States is a respondent in the above-captioned civil action now pending in the Superior Court of Muscogee County as case number SU11-CV-3875. No trial has yet been had in this action.

2.

Petitioner's interpleader and first amendment thereto shows that The Law Office of Michael A. Eddings, P.C. has been and currently is a customer of Petitioner. Said Respondent has maintained a depository IOLTA Trust Account with Petitioner and the account is believed to contain funds belonging to one or more of the Respondents.

4.

The United States is also a respondent in the above-referenced interpleader action. The IOLTA Trust Account at issue in this case contains funds belonging to the United States, and payment of these funds are at risk.

5.

An Order on Interpleader entered on October 28, 2011, directs Petitioner to interplead the funds held in the account therein into the registry of the Court. Said funds are currently held by the Clerk of Muscogee Superior Court, and may be transferred to this Court if deemed appropriate.

6.

That to the extent an agency of the United States has been sued for any act under color of such office or on account of any right, title or authority claimed under any Act of Congress for collection of the revenue, the matter is removable from state to federal court under 28 U.S.C. § 1442.

7.

As required by 28 U.S.C. § 1446(a), the documents comprising Exhibit A are copies of all the documents received by the United States in this action. There may be additional documents filed with the Clerk of Superior Court of Muscogee County, and upon direction of this Court, the complete record in this case may be transferred in accordance with the provisions of 28 U.S.C. §

1447(b).

8.

Pursuant to 28 U.S.C. § 1446(d), written notice of this removal will be provided to all adverse parties, and a copy of this notice of removal will be filed with the Clerk of Superior Court of Muscogee County.

9.

The filing of this Notice of Removal is timely, pursuant to 28 U.S.C. § 1446(b).

WHEREFORE, respondent United States of America removes Case Number SU11-CV-3875 currently pending in the Superior Court of Muscogee County to this Court for such further proceedings as may be appropriate.

Respectfully submitted, this 23<sup>rd</sup> day of November, 2011.

MICHAEL J. MOORE  
UNITED STATES ATTORNEY

BY: *s/Charles W. Byrd*  
Charles W. Byrd  
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Georgia Bar No. 100850

BY: *s/Sheetul S. Wall*  
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**CERTIFICATE OF SERVICE**

This is to certify that I have this date filed the Notice of Removal with the Clerk of United States District Court using the CM/ECF system which will send notification of such filing to the following: N/A

I also certify that I have this date mailed by United States Postal Service the document and a copy of the Notice of Electronic Filing to the following non-CM/ECF participant:

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*Attorney for FBMC Mortgage Corporation d/b/a First Banker's Mortgage Corporation,  
and William Rembert*

This 23<sup>nd</sup> day of November, 2011.

s/Charles W. Byrd  
CHARLES W. BYRD  
ASSISTANT U.S. ATTORNEY